HIGH COURT OF UTTARANCHAL AT NAINITAL

CIVIL MISC. APPLICATION NO. 1013 OF 2001

1. Gurmeet Singh.
   S/o Shri Hari Singh
   R/o Village and Post Office-Bham,
   Thana-Mahilpur, Tehsil-Garshankar,
   District-Hosiyarpur (Punjab).
2. Hari Singh, (Ex-Subedar),
   S/o Shri Mukund Singh Jaswal,
   R/o Village and Post Office-Bham,
   Thana-Mahilpur, Tehsil-Garshnkar,
   District-Hosiyarpur.
3. Krishan Kaur,
   W/o Hari Singh (EX-Subedar),
4. Smt. Manjeet Kaur,
   W/o Shri Surjeet Singh,
5. Surjeet Singh,
   S/o Hari Singh,
   All R/o Village and Post Office-Bham, Thana-Mahilpur, Tehsil-Garshankar, District-Hosiyarpurt (Punjab). .....Applicants.

Vs.

Smt. Jagdish Kaur, W/o Gurmeet Singh, R/o Mohalla Chukuwala near Post Office-Telegraph, Office Colony Gate, Dehradun, District- Dehradun.

.....Respondents.

&

Criminal Application No. 867 of 2001

1. Gurmeet Singh Jaswal,
   S/o Subedar Hari Singh,

Working in Fibre Plant,
J.C.T. Mill Chauhal, District-Hoshiarpur.

2. Subedar Hari Singh
S/o Sh. Mukand Singh Jaswal,
Working in Gram Udyog Mandal,
39, M.W., Industrial Area, Chandigarh.

3. Smt. Krishna Devi,
W/o Subedar Hari Singh Jaswal,

4. Smt. Manjit Kaur, W/o Sh. Surjit Singh Jaswal,
both residents of P.A.P. Centre, 7th Battalion,
Jalandhar (Punjab).

5. Surjit Singh Jaswal, S/o Subedar Hari Singh Jaswal,
Personal No. 100/P.A.P. Centre, Jalandhar (Punjab). .....Petitioners.

Vs.

Smt. Jagdish Kaur,
D/o Sh. Jeewan Singh,
W/o Gurmeet Singh,
R/o 142 Chukuwala
Near Office Colony,
Dehradun (U.P.) .....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Kandpal, Sr. Advocate, assisted by Sri Kurban Ali, counsel for the applicants and Sri Sandeep Tandon, counsel for the respondent.

2. Since both the cases arise out of similar matter, both of them are decided together.

3. By the application No. 1013 of 2001 filed under Section 482 of the Code of Criminal Procedure, the applicants have prayed for setting aside the judgments dated 30.10.2001 and 16.08.2000 and further to stay the proceedings of Case No. 2076 Smt. Jagdish Kaur Vs. Gurmeet Singh and others under Section 498-A IPC Police Statio-Kotwali, Dsitrict-Dehradun pending in the Court of Judicial Magistrate Dehradun.

4. By the application No. 867 of 2001, the applicants have prayed for quashing the complaint, summoning order dated 16.09.1993 and the order dated 17.08.1994 passed by the IInd Addl. District Judge, Dehradun in revision petition.

5. Today i.e. on 19th December, 2006, the parties appeared before this Court and were directed to appear before the Additional Registrar for verification of affidavits regarding reconciliation on the same day. Parties appeared before the Additional Registrar and the affidavits filed by them for compromise were verified and they decided to live together. The report of the Additional Registrar is quoted below:-

> *"Parties have verified the contents of compromise before me. The detailed order is passed on the affidavit itself.*
>
> *It is agreed today in between thue parties that today from Court itself the applicant Sri Gurmit Singh will take the opposite party Smt. Jagdish Kaur with him at his house and they would start living together. Opposite party Smt. Jagdish Kaur has said that she has come with her*

belonging to go with the applicant Gurmit Singh from the Court itself."

6. In view of the aforesaid, it appears that the compromise has succeeded, therefore, both the petitions have become infructuous.

7. Relying upon ***G.V. Rao v. L.H.V. Prasad and others (2000) 3 SCC 693*** in ***B.S. Joshi & Ors. Vs. State of Haryana & ors [200392) E L C 728 (SC)],*** the Apex Court has held as under:

"The observations made by this Court though is a slightly different context in G.V. Rao v. L.H.V. Prasad and other (2000) 3 SCC 693: JT 2000(2) SC 627 are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts, it was said that there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erup which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about rapproachement are rendered helpless on their being arraigned as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation os that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their

"young" days in chasing their "cases" in different Courts."

8. In view of the above, since the compromise has already taken place between both the parties, both the applications filed under Section 482 of the Code of Criminal Procedure deserve to be allowed.

9. Judgments dated 30.10.2001 and 16.08.2000 in Application No. 1013 of 2001 are quashed. In Application No. 867 of 2001 Complaint, summoning order dated 16.09.1993 and the order dated 17.08.1994 passed by the IInd Addl. District Judge Dehradun in the revision petition are quashed.

10. Both the applications filed under Section 482 of the Code of Criminal Procedure are allowed in terms of the compromise.

Rajesh Tandon, J.

19.12.2006

Rathour